

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSANNA GUIDO,

Plaintiff,

Case No. 13-cv-13520

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION (document no. 21), GRANTING GUIDO'S
MOTION FOR SUMMARY JUDGMENT IN PART (document
no. 14), DENYING COMMISSIONER'S MOTION FOR
SUMMARY JUDGMENT (document no. 17) AND REMANDING CASE**

The Social Security Administration denied plaintiff and claimant Rosanna Guido's application for a period of disability and disability insurance benefits. An Administrative Law Judge issued the original decision. See ALJ Decision, ECF No. 11-2, at 13. The SSA Appeals Council declined to review the decision and Underhill appealed to this Court. The Court referred the matter to a United States Magistrate Judge, and the parties filed cross motions for summary judgment. On July 29, 2014, the magistrate judge issued a Report and Recommendation suggesting the Court grant Guido's motion to the extent it seeks remand but denying an outright award of benefits. It further recommended denying the Commissioner of Social Security's motion, and remanding the case. Report, ECF No. 21.

A copy of the Report was served to both parties on July 29, 2014. Under Civil Rule 72(b), each party had fourteen days from the date of service to file any written objections to the recommended disposition. Neither party has filed any objections. De Novo review of the magistrate judge's findings is therefore not required. See Fed.R.Civ.P. 72(b)(3). The

Court has reviewed the file and the Report, and finds that the magistrate judge's analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions and will enter an appropriate judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that Guido' motion for summary judgment (document no. 14) is **GRANTED IN PART**. This matter is **REMANDED** to the Commissioner for proceedings consistent with this opinion.

IT IS FURTHER ORDERED that the magistrate judge's Report and Recommendation (document no. 21) is **ADOPTED**

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment (document no. 17) is **DENIED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: September 24, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 24, 2014, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager